

United State District Court
District of Massachusetts

Jennie P. Moore
v.

Civil Action
No. _____

Brigham & Women's Hospital

05-40123 FDS

Complaints

Jennie P. Moore is a resident of Thendons, Worcester County, Massachusetts and a citizen of the United States.

Brigham and Women's Hospital is a resident of Boston Massachusetts and is a business of the United States

This court has jurisdiction over this matter pursuant to ~~28 USC~~ 42-1981

In September 2001 ~~an~~ was demoted from Supervisor of the phlebotomy team under false obligation from an employee who was reporting to the Manager of the ~~phlebotomy~~ department all negative that was not true.

on this particular day I was paged by an nurse stating, an employee refused to draw STAT blood on a patient in the ICU. I was told by the nurse that the employee said, "she was too busy and that she will be leaving soon." The nurse also explained had read the employee was. I said to the nurse, that I will come up and draw the Stat and that I will speak to the employee.

I paged the employee to see why the Stat was not drawn. The employee said, to ~~me~~ ~~the nurse~~, "since when are blood cultures Stat, I said to her; that's ~~irrelevant~~ at this time, a Stat blood culture needs to be drawn. She said O.K.,

I proceeded up stairs to draw the blood culture but saw the employee, whom had called another co-worker to go draw the culture, I asked, what was the problem? She proceeded to tell

me that she had call Thureen Samson (the manager) to inform her that she was in a emergency situation and needed she had been called for a STAT blood culture.

I asked why did she not page me if she was unable to draw the blood and I proceed on to draw the STAT blood culture in the ICU unit.

When I arrived, the nurse was very up set because the patient was running an high temperature. She thanked me for coming and she proceeded to tell me ~~she~~ about the employee who refused to draw the stat blood culture. I said to the Nurse, let me draw the blood culture just, then you and I will talk. She said OK.

After drawing the culture the nurse thank me again and apologized for paging me because she felt I was too busy and she explained how rude the phlebotomist was when she responded to tell page.

I apologized and said to the nurse, I will speak to the employee and left.

on my way down, I saw another employee who was very busy, so I decided

to help him because he was really behind our schedule in drawing blood.

I decided that I should call my Manager to let her know that I needed to talk to her once I finish helping the employee.

I explained to her about a STAT blood needing to be draw and was not drawn by the employee.

My Manager said she will be available when I come down, and for ~~me~~ me to wait in.

When I went to my Manager, I found her in a rage, but red sitting and waiting for me.

I explained to her how the employee refused to draw a stat blood, and she jump at me in a very nasty tone that, I had a problem with communication. I could not figure out what she was talking about, because I had not refuse to draw the blood.

My Manager proceed to say, the employee had call her, and said,

I screamed at her on the phone. I said to my manager this is not true. The manager kept saying, another form of communication. I said to the manager, why don't the three of us sit down and talk about this because I can not figure out why you are in such a rage with me and belittling the employee. She said o.k. let's meet on Wednesday.

We met on Wednesday, I told my part, the employee switched her part and lied on me again. The manager asked me a dumb question in front of the employee, and I did not answer her, because she did not make any sense asking me the question, ~~and~~ like that in front of the employee. Then the manager said a nasty tone, I have heard enough, she demanded time sheets from me. I asked the manager to call me when she finishes talking to the employee.

The manager did not call me in an ~~hour~~ half hour, so I went to her office

to see what was the problem with the time sheet. I told her that I am very surprise to see and manager like her manager and that I now ~~see~~ what the problem was, it was her causing employee / supervisor dysfunction on the job.

The Manager said to me, that we will meet this evening at 2:00 p.m. I said in this meeting, I will like to have human Resource, director of the lab and her manager present. She replied to me, "I don't do things like that."

I met with her August 23, 2001 at 2:00 p.m. and was demoted from supervisor to Jr. phlebotomist with a cut in pay and I had a option of working inpatient or out-patient phlebotomy.

This was a night mare, what did I do. Why did my manager accept this employee word over mine. I even had the nurse to e mail on the incident.

I did not deserve to be demoted from my position because the employee lied.

The employee was white. This employee

was always running into the managers office relating information that I ~~was~~ fully unaware of.

I have worked in the photography department since 1983. I was an supervisor for 16 years. I have never had any problems until this manager arrived.

I was given written counseling for lies that was told ~~and~~ me. This manager called unnecessary meeting with me and my team member to up set me.

This manager was totally against me from the moment she came into the department because she started ~~secretly~~ secretly meeting with the staff.

After I was demoted, I file a complaint with MCAD. MCAD contacted me in the 3rd year of filing. I had one conference meeting with a follow up with Brigham & Women's which took two month.

at this 2nd conference, I was ~~asked~~ question by ~~the~~ MCAD lead person who at the time, could not believe all the aligation what Brigham & Women's ~~accused~~ accused me

It was true. This person asked Brigham-Women's legal team to bring back to him all person terminated by Ms. Jamson, all ethnic group in 7 days and he asked the legal team from Brigham did they ever look into why there was problems with me and Ms. Jamson. They said no. he also asked how ~~was~~ was my appraiser and they said they were great. After this meeting was over, this person from MCHD observe the legal team talking to me and he wanted to know if we knew each other, we both said yes. He called us back in and said he wanted this case resolved because Mr. Moore (me) does not portray what is listed on this paper.

Two weeks after that meeting, I received in the mail a dismissal. The same lead person was not on my case. I had a new person.

I appealed, on the 2nd appeal, a ~~dismissal~~ ^{dismissal}. I knew for a fact, no witnesses were called on my behalf. I am suing because I personally feel that I should not have been treated the way I was treated.

The manager should have been more professional and asked me to resign from my position if she felt that I was not doing my job and not put me through the head ach and heart ach what ^{all} she did not me.

Writting me up on false Allegation.

I need some one to listen to what happen to me at Brigham and Women's. I am now ready to go to the local newspaper, because no one in ~~their~~ solid good mind ~~should~~ should not have been treated the way I was treated.

I am and hoping that I can receive punitive damage, all false Allegation from my file, all back pay from where I was dismiss from supervising ~~for~~ set my retirement back to where I was as a supervisor. And what ever money that I am allowed for going to such mental distortion of my job unnecessary.

I Jennie P. Moore am requesting a trial jury. I Jennie P. Moore demands a trial by jury.

Jennie P. Moore
10 Wood Dr.
Needon, MA
508 634-0108

05-40123 FDSUNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) _____
2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).
- ____ I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- ☒ II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. * Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- ____ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- ____ IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- ____ V. 150, 152, 153.
3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(E)). _____
4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?
YES ☐ NO ☒
5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC 2403)
YES ☐ NO ☒
IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?
YES ☐ NO ☐
6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC 2284?
YES ☐ NO ☒
7. DO ALL PARTIES IN THIS ACTION RESIDE IN THE CENTRAL DIVISION OF THE DISTRICT OF MASSACHUSETTS WORCESTER COUNTY) - (SEE LOCAL RULE 40.1(C)).
YES ☐ NO ☒
OR IN THE WESTERN DIVISION (BERKSHIRE, FRANKLIN, HAMPDEN OR HAMPSHIRE COUNTIES)? (SEE LOCAL RULE 40.1(D)).
YES ☐ NO ☐
8. DO ALL OF THE PARTIES RESIDING IN MASSACHUSETTS RESIDE IN THE CENTRAL AND/OR WESTERN DIVISIONS OF THE DISTRICT?
YES ☐ NO ☒
(a) IF YES, IN WHICH DIVISION DOES THE PLAINTIFF RESIDE? _____
9. IN WHICH DIVISION DO THE ONLY PARTIES RESIDING IN MASSACHUSETTS RESIDE? _____
10. IF ANY OF THE PARTIES ARE THE UNITED STATES, COMMONWEALTH OF MASSACHUSETTS, OR ANY GOVERNMENTAL AGENCY OF THE U.S.A. OR THE COMMONWEALTH, DO ALL OTHER PARTIES RESIDE IN THE
CENTRAL DIVISION; YES ☐ NO ☒ OR WESTERN DIVISION; YES ☐ NO ☐
11. ALTERNATIVE DISPUTE RESOLUTION - IS THIS CASE SUITABLE FOR ADR? IF SO, BY WHICH ADR?
EARLY NEUTRAL EVALUATION ☐ MEDIATION ☒ SUMMARY JURY/BENCH TRIAL ☐
MINI-TRIAL ☐ OTHER ☐
- (PLEASE TYPE OR PRINT)
ATTORNEY'S NAME Jennie P. Moore
ADDRESS 10 Wood Dr Mendon MA 01756
TELEPHONE NO. 508 634-0108

JS 44 (Rev. 3/99)

CIVIL COVER SHEET

05-40123

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Jennie P. Moore
10 Wood Dr.
Mendon, MA 01756 Worcester
(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

Brigham & Women's Hospital
75 Frances St
Boston, MA 02119
County of Residence of First Listed

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED

(c) Attorney's (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 ☐ 1 PTF DEF
Incorporated or Principal Place of Business In This State ☐ 4 ☐ 4
Citizen of Another State ☐ 2 ☐ 2 PTF DEF
Incorporated and Principal of Business In Another State ☐ 5 ☐ 5
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) SOCIAL SECURITY <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 FEDERAL TAX SUITS
				<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination <input type="checkbox"/> Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

42-1981 Civil Rights Job dismissal

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION DEMAND UNDER F.R.C.P. 23

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

7/27/05

SIGNATURE OF ATTORNEY OF RECORD

Jennie P. Moore

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG JUDGE

JS 44 Reverse (Rev. 3/99)

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-44

Authority For Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b.) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States, are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS-44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section IV below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a) Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause.

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS-44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.